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GOVERNMENT LAW SCHOOL OF SIAM.

Siam has a government law school, under the control of the ministry of justice, such as formerly existed in Japan. Graduates are generally appointed at once either judges of minor courts or public prosecuting officers. In 1904-5 it had one hundred and ten students, but in 1905-6 only ninety-eight. Most Siamese law students are educated here, but it is evident either that the instruction is inadequate, or the standard for the final examinations exceedingly high, since of one hundred and ninety-five who were examined in January, 1906, only twelve passed. The previous year one hundred and seventy-seven were examined and ten passed.

PRACTICING MEDICINE. WHAT CONSTITUTES.

The Supreme Court of New York in the recent case of *State v. Allcutt* (not yet reported) holds that one who assumes the prefix "Dr.," displays in the window of his residence his name followed by the words "Mechano Neural Therapy," receives, examines and treats patients by touching them with the tips of his fingers, and gives direction as to diet, receiving compensation for his services, is engaged in practicing medicine within the purview of the Statute making it a penal offense so to do without a license. The defendant neither administered nor recommended drugs of any kind, but simply claimed that all ailments were attributable to defective circulation, which his treatment restored to a normal state.

Such restrictive statutes are constitutional, being a valid exercise of the police power of the state. *State v. Webster, 41 L. R. A., 212*, and cases cited at page 217. The purpose of the

legislation is to protect an unwary public from the evils of charlatanism and empiricism, ignorance and quackery; and in this day and age there can be no denying the fact that it is of the most salutary description. People are continually ready to be imposed upon, and there are countless persons ready to prey upon their credulity.

The statutes on this subject vary greatly, and therefore the same state of facts will, in different states, call for different results. It is quite generally the case that the legislative body has defined what constitutes practicing medicine within the provisions of the act, but in the absence of such, a much greater latitude is accorded to the courts, and the question is necessarily involved of whether the phrase is used with its common general meaning or a technical sense. On this the courts are variant. *Bragg v. State*, 134 Ala. 165. If the former, then its scope is much more restricted. But it is safe to assert that in no court does the rule still obtain that the administration of drugs is the *sine qua non* of practicing medicine. It is a progressive science, and as such, views as to treatment are now recognized that a century ago would not only have been discountenanced but ridiculed, and *vice versa*. So the courts neither attempt to nor can they lay down any hard and fast rule on the subject. *People v. Phippin*, 70 Mich. 6.

The main case by clear inference adopts the view that a diagnosis is an essential and integral part. This is to be regretted, as it opens the door to many an impostor and quack. Magnetic healers, (*Parks v. State*, 159 Ind. 211); cancer doctors, (*Musser v. Chase*, 29 Ohio St., 577); opthalmologists, (*State v. Yegge*, 103 N. W. 17 S. D.); one who engages to cure alcoholism, (*Springer v. Dist. of Col.*, 23 App. D. C., 59), or the opium habit, (*Benham v. State*, 116 Ind. 112); an obstetrician, (*State v. Welch*, 129 N. C. 529) have all been held to be within the statute. A druggist who applied lotions to a lacerated finger, the other party believing him to be a physician, was held to be practicing medicine under a statute defining it as "to treat, operate on, or prescribe for any physical ailment." *Matthei v. Wooley*, 69 Ill. App. 654.

It is to be lamented that the lines cannot be drawn more closely as to Christian Scientists, as imposition in its worst form is perpetrated under the shield and cloak of religion. They have offices, receive patients, style themselves in many cases "practitioners," and receive compensation for their services. They attempt to cure nearly every disease that flesh is heir to. This is a dual paradox, and it is by reason of it that they are immune from the operation of the ordinary statute. They attempt to cure, and yet they do not claim to do so *per se* but by invoking Divine interposition. They deny all disease, and yet they endeavor as above to alleviate or cure the physical or mental abnormalities that can only be predicated on it. It appears that no such play upon words should relieve the case from its true construction, therefore the Nebraska Court has held it to be the practice of medicine under a usual statutory

definition. *State v. Buswell*, 40 Neb. 158; *contra*, *State v. Mylod*, 20 R. I., 632. More stringent statutes should be passed or a more liberal interpretation given to existing ones. The language used in the New York case justifies the conclusion that no prosecution can be successfully maintained against a Christian Scientist in that state. It is far from the intention to state that every one who entertains the beliefs sanctioned by this sect and who follows its teachings should be considered as practicing medicine, but the assertion is made that its exponents, who hold themselves out professionally as engaged in whatever is in reality "the healing art," although that particular nomenclature is repugnant to their tenets, should be considered as within the reason and spirit of the statute.

The point on which there is the widest diversity of opinion is in regard to osteopaths. On either side, a cluster of decisions may be found, but the decided weight of authoritv is to the effect that they are engaged in the practice of medicine. *Jones v. People*, 84 Ill. 453. A knowledge of anatomy, physiology, hygiene, histology and pathology is essential to them, as it is to them as it is to a regular physician, and the only point of distinction is as to therapeutice, and the day has passed when all reliance is placed in drugs. Their value in many cases is indisputable, yet there are diseases in which other forms of treatment are far more efficacious. Consumption is instanced. And yet it would be an anomaly to say that persons engaged in these other modes of treatment were not practicing medicine. The Alabama Court in the case of *Bragg v. State* (*supra*), in an exceedingly interesting decision, traces the development of the science and demonstrates that in its primary sense it applies to the art of treating or of attempting to cure or alleviate any mental or physical ailment by any means whatever, and in its popular acceptation the term has become materially perverted.

The cases will be found collated and the subject discussed in 3 L. R. A. (N. S.) 763, note to *O'Neill v. Tennessee;* and *Am. & Eng. Enc. of Law*, 2nd Ed., Vol. 22, p. 785.

PROFESSIONAL CONDUCT—SOLICITING BUSINESS.

In the case of *Ingersoll et. al. v. Coal Creek Coal Company*, 98 N. W. 178, the Supreme Court of Tennessee availed itself of an opportunity to denounce as unprofessional a lawyer's active solicitation of business. A mine explosion had occurred, causing great loss of life and many injuries. A young lawyer, Chandler, was one of many attorneys who rushed to the scene of disaster. The Court of Chancery stated that Chandler "entered actively into competition for business, that he boldly and openly saw widows and others whose husbands and next of kin had been killed in the explosion, and sought as other lawyers were doing, to have them entrust the prosecution of suits to his firm, but that it does not appear that he practiced any fraud or deception, or made any false representations to get the cases for his firm." Chandler secured some forty cases which were to be prosecuted on a contingent fee and of this he was to receive a portion from